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RULES OF THE SUPREME COURT FOR CONTINUING PROFESSIONAL EDUCATION OF THE MEMBERS OF THE BAR

RULE I. PURPOSE

It is of primary importance to the members of the Bar and to the public that attorneys continue their legal education throughout the period of their active practice of law, and that attorneys failing to do so should be subject to discipline.

RULE II. STATE COMMISSION FOR CONTINUING LEGAL EDUCATION

(a) There is hereby established a Commission for Continuing Legal Education consisting of seven (7) members, one of whom shall be a chairman. Each member shall be licensed to practice law in the State of North Dakota. The members of the Commission shall be appointed by the Executive Committee of the State Bar Association of North Dakota.

(b) Of the members initially appointed, two (2) shall be appointed for one year, two (2) for two years, and three (3) for three years. Thereafter appointments shall be for a three-year term.

(c) No member may serve more than two successive three-year terms. Each member shall serve until his successor is appointed and qualified. The chairman of the Commission shall be appointed annually by the Executive Committee of the State Bar Association of North Dakota. The Executive Committee shall designate the Secretary-Treasurer of the Commission who shall have no vote. The chairman and other members of the Commission shall serve without compensation, but shall be paid their reasonable and necessary expenses incurred in the performance of their duties. The Secretary-Treasurer shall be allowed such compensation for his services, staff and expenses as the Commission shall determine.

(d) The Commission shall have general supervisory authority over the administration of these rules.

RULE III. MANDATORY CONTINUING LEGAL EDUCATION

(a) Each attorney duly admitted to practice in this State shall make a sworn written Report of Compliance to the Commission in the form the Commission prescribes. The report shall be filed with the Commission within 30 days after the close of the period within which the attorney is required to complete his Continuing Legal Education requirements.

(b) Each attorney shall complete not less than 45 hours of approved course work in continuing legal education during each three-year period applicable under this rule. During the first three years, the Commission shall divide the attorneys subject to the rule into three equal segments. One-third shall file a report showing 15 hours or more of course work for the first year under this rule. One-third shall file a report showing 30 hours or more for the first two years under the rule. One-third shall file a report showing 45 hours or more for the first three years under the rule. Thereafter, all reports shall be at three-year intervals.

(c) A fee of \$25.00 for payment of expenses incident to operation of the Commission shall be paid to the State Bar Association of North Dakota at the time of filing the Report of Compliance.

RULE IV. PROCEDURES AND PENALTY FOR FAILURE TO SATISFY EDUCATIONAL REQUIREMENTS

(a) If an attorney fails to file a report, or the proof accompanying the report fails to establish to the satisfaction of the Commission that the attorney has complied with the minimum requirements for Continuing Legal Education, he shall be subject to suspension and the Commission shall serve upon the attorney notice that he has 60 days within which he must comply with these rules or the requirements of the Commission and that his failure to do so may result in a suspension of his right to practice law in this State. Unless good cause constituting extreme hardship be shown, the Commission shall issue and file with the Disciplinary Board its recommendation for suspension of the right to practice law.

(b) All proceedings regarding the enforcement of this rule shall be governed by the North Dakota Rules of Disciplinary Procedure.

RULE V. PAYMENT OF EXPENSES

The employees and members of the Commission shall be entitled to reimbursement for all necessary expenses actually incurred in the performance of their official duties. Each claim must be certified by the individual seeking payment.

RULE VI. APPROVED COURSE WORK

(a) The Commission shall determine what shall constitute "approved course work." It may issue and publish advance guidelines or evaluate courses and supporting information as submitted for approval. It may also approve courses after they have been presented. Courses sponsored by the following organizations, and their associated entities, shall be presumptively approved:

1. State bar associations;
2. Accredited law schools;
3. American Bar Association;
4. American Law Institute;
5. Practicing Law Institute.

(b) The Commission shall cooperate with the Continuing Legal Education Commission of the State Bar Association of North Dakota, the University of North Dakota School of Law, and other educational institutions within the State to promote Continuing Legal Education within the State.

(c) The Commission shall publish in the newsletter of the State Bar Association of North Dakota quarterly a list of Continuing Legal Education courses and activities that are available to attorneys within the State of North Dakota, and may include courses available elsewhere.

RULE VII. INDIVIDUAL EXEMPTIONS

(a) These rules do not apply to Judges, who, by reason of their position, are prohibited from engaging in the private practice of law.

(b) Any attorney licensed in this state and not otherwise exempt from these rules, may file with this Commission a declaration of inactive status. Upon such filing, the attorney shall forthwith be prohibited from engaging in the practice of law in this State, and shall be exempt from the requirements of Rule III. If an attorney having an inactive status desires to practice law actively in this State, he shall file an application for active status with this Commission stating that he will comply with these rules by completing not less than 15 hours of course work in a manner approved by the Commission in each of the succeeding three years following the approval of his application for active status. At the end of each year of the first three years following inactive status, the attorney shall file a certificate of compliance in a form approved by the Commission.

RULE VIII. EFFECTIVE DATES

The Commission for Continuing Legal Education shall be established on September 1, 1977.

The remainder of these rules shall be effective January 1, 1978, and all applications of the same shall be prospective.